

Exhibit 1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NINO MARTINENKO, on behalf of herself and others
similarly situated,

Civil Action No.: 22 CV 518

Plaintiff,

-against-

212 STEAKHOUSE, INC., and NIKOLAY VOLPER,

Defendants.

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**IF YOU ARE OR WERE EMPLOYED AS A SERVER, RUNNER, BUSSE, OR BARTENDER
AT 212 STEAKHOUSE AT ANY TIME ON OR AFTER JANUARY 20, 2016, PLEASE READ
THIS NOTICE.**

**A PARTIAL MONEY JUDGMENT AND PARTIAL DISMISSAL OF CLAIMS IN A
CLASS ACTION LAWSUIT MAY AFFECT YOUR LEGAL RIGHTS.**

- Plaintiff Nino Martinenko has brought a lawsuit against 212 Steakhouse, Inc. and Nikolay Volper (collectively, “Defendants”). The lawsuit alleges, among other things, that 212 Steakhouse restaurant (“212 Steakhouse”) illegally paid service employees pursuant to a tip credit, failed to pay service employees required overtime and spread of hours compensation, and failed to provide service employees with certain wage notices and wage statements required under New York law.
- In 2023, the Court allowed the lawsuit to proceed as a certified class action under the New York Labor Law. The class consists of all individuals employed as servers, runners, bussers, and bartenders at 212 Steakhouse at any time on or after January 20, 2016 who have not previously opted out of the class. 212 Steakhouse’s records show that you are a member of the class. The attorneys for the class (“Class Counsel”) are:

Joseph & Kirschenbaum LLP
D. Maimon Kirschenbaum
Denise A. Schulman
Michael DiGiulio
32 Broadway, Suite 601
New York, NY 10004
212-688-5640
denise@jk-llp.com
mike@jk-llp.com

- The Court has found that Defendants violated New York law by paying class members pursuant to a tip credit and failing to pay class members overtime and spread of hours compensation. The Court has entered a judgment against Defendants and in favor of the class on these claims in the amount of \$251,269.84. As a class member, you are eligible to receive a portion of any money paid by Defendants to satisfy this judgment.
- The Court has also dismissed without prejudice class members’ claims for failure to provide wage notices and wage statements. This means that these claims are dismissed from this lawsuit, but you may still pursue those claims in a separate lawsuit if your claims are timely. Certain statutory deadlines may affect your ability to bring these claims in the future. If you have questions about how the statute of limitations may affect your ability to pursue any claims that you may have against Defendants, you may wish to speak with an attorney.
- If you have any questions about the judgment or the dismissal of the wage notice and wage statement claims, please contact Class Counsel at 212-688-5640, denise@jk-llp.com, or mike@jk-llp.com.